

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELYSEE NICOLAS, Individually and as :
representative of a class of participants : Civil Action No.: 17-3695 (AET)(DEA)
and beneficiaries on behalf of the :
Princeton University 403(b) Plans, :

Plaintiff, :

v. :

THE TRUSTEES OF PRINCETON :
UNIVERSITY, :

Defendant. :

**PLAINTIFF’S UNOPPOSED MOTION FOR AN ORDER
PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT;
CERTIFYING THE PROPOSED SETTLEMENT CLASS; APPOINTING
CLASS COUNSEL; APPROVING THE FORM AND MANNER OF
CLASS NOTICE; APPOINTING A SETTLEMENT ADMINISTRATOR;
AND SCHEDULING A FINAL SETTLEMENT HEARING AND
HEARING ON PLAINTIFF’S INCENTIVE AWARD AND ATTORNEY’S
FEES AND EXPENSES**

Plaintiff Elysee Nicolas (“Plaintiff”), individually and on behalf of all others similarly situated, moves this Court pursuant to Rule 23 of the Federal Rules of Civil Procedure for an Order: (1) preliminarily approving the parties’ proposed class action settlement for \$5,800,000 plus therapeutic relief (the “Settlement”); (2) certifying the proposed Class for settlement purposes; (3) establishing a plan for

providing notice of the Settlement to Class Members; (4) appointing Class Counsel; (5) appointing a Settlement Administrator; and (6) setting a hearing for consideration of final approval of the Settlement and consideration of Lead Counsel's motion for an incentive award to Plaintiff an award of attorney's fees and reimbursement of litigation expenses.

With this motion, Plaintiff submits copies of the fully executed Stipulation of Settlement (the "Settlement Agreement"). The following Exhibits are appended to the Settlement Agreement, which is attached hereto at tab A:

- Exhibit 1, proposed Preliminary Approval Order
- Exhibit 2, proposed Class Notice
- Exhibit 3, proposed Final Approval Order

As reflected in the Settlement Agreement, the parties want to compromise and settle all issues and claims relating to the allegations made in this action on behalf of all members of the proposed Class. Plaintiff's proposed plan of allocation will fairly compensate Class Members in proportion to their relative losses resulting from Defendant's actions that allegedly imposed on Class Members excessive costs and imprudent options, as described in the Complaint, and taking into account Defendant's proffered defenses.

WHEREFORE, Plaintiff respectfully requests that the Court grant his Unopposed Motion and enter the proposed Preliminary Approval Order, which is attached as Exhibit 1 to the Settlement Agreement.

LITE DePALMA GREENBERG, LLC

DATED: July 28, 2020

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